

2. That under a proper construction of Section 7959 of the Code of 1932, the period of limitations of six months contained therein is applicable to all suits brought on the bond hereinbefore referred to, irrespective of whether such suits are instituted by one laborer or materialman or by several laborers or materialmen.

3. This cause is remanded to the Chancery Court of Knox County to the end that appellee New Amsterdam Casualty Company may be required to answer the averments of the cross-bill of Aluminum Company of America, and particularly the averments thereof with respect to the alleged waiver of or estoppel to rely upon the defense of the statute of limitations, and for further proceedings in conformity to the opinion of this Court, which opinion is ordered filed and made a part of the record herein.

4. The appellant, Aluminum Company of America, and surety on its appeal bond, and appellee New Amsterdam Casualty Company, will each pay one-half of the costs of the appeal for which executions may issue.

(Signed) ALEX W. CHAMBLISS,
“ ALAN M. PREWITT,
“ F. H. GAILOR.

